

SENATE

(Continued from Page One.)

pretext to legalize the majority of the Mayor's appointments, while the Supervisors have found themselves in an altogether different situation. Nor, it is claimed, is the total amount required to pay the Mayor's appointees very large—nothing in comparison with the amount required to pay the Supervisors' appointees.

Senator David K. Baker has another solution for the problem of Territorial revenue. This time it is a bill to impose a tax of two cents per share on each share of stock transferred. As it stands, the measure presents the interesting financial question that would accompany the payment of a tax of two cents on the transfer of a share of stock worth one cent. Taxation schemes with fraction of a dollar as the computing unit are favorites with Baker—he has introduced another providing for a tax of ten cents an acre additional on all land in the Territory that is lying right side up.

THE SENATE.

Upon the Senate convening yesterday morning, a communication was received from the House of Representatives, stating that the Senate amendment to House Bill No. 5 had been concurred in. The measure provides a penalty for conviction on a charge of fraud in real estate conveyances. As the bill stood originally, the penalty was specified at from one to five years, but the Senate abolished the minimum clause.

House Concurrent Resolution No. 14, committing the Legislature to the endorsement of the Queen's claims against the Federal government, aggregating \$250,000, was received in the Senate and referred to the Judiciary Committee.

The Judiciary Committee returned a favorable report on House Bill No. 7, an act to make certificates of Hawaiian birth issued by the Department of Commerce and Labor of the Federal government receivable as prima facie evidence before the Territorial courts and registration boards. The object of the bill is to carry out the policy adopted by the passage of House Bill No. 58, turning over the work of issuing certificates from the office of the Secretary of the Territory.

The Judiciary Committee also reported favorably on Senate Bill No. 62, providing penalties for offenses against the right of sepulture. The report was laid on the table to be considered with the bill.

The Judiciary Committee reported on Senate Resolution No. 33, a Coelbo measure, asking that Treasurer Campbell investigate the report that fish markets were violating the license laws in their methods of fish sales. The report stated that Treasurer Campbell had no knowledge of law-breaking. Coelbo said that the information was sufficient and that he would follow it up with some other methods "in an effort to stop this law-breaking."

Indorses Lyman Claim.

The Ways and Means Committee presented a favorable report on Senate Resolution No. 27, providing an appropriation of \$536.96 to reimburse Levi C. Lyman for the purchase price of lots at Ponehawaii, Hawaii. Senator Fairchild introduced a bill to cover the claim, it being reduced in amount to \$503. The committee report was adopted and Fairchild's bill passed on first reading.

Senator Chillingworth introduced a bill to establish a law uniform with the laws of other States and Territories for the acknowledgment and execution of written instruments. It passed first reading and was referred to the Printing Committee.

Senator Baker gave notice of introducing a bill to provide a tax of two cents per share on stock transfers. He will submit the measure to the Senate today and believes that it will assist in the work of raising Territorial revenue.

Senator Makekau introduced a bill to define the boundaries of the first and second Representative districts. It passed first reading and was referred to the Printing Committee.

The bill introduced in the House to enable the supervisors to pay their appointees was brought up again, when Coelbo declared "that there is a measure pending before this house that affects a great many working people—House Bill No. 98—and I understand that Senator Makekau is now ready with his minority report on the measure."

Makekau's Amendment.

Makekau was ready, and he submitted the amendment that was drawn up to conform with the ideas of those who are looking out for the interests of the Mayor.

The full text of the Makekau amendment is as follows:

An Act providing for the payment of certain persons employed by the City and County of Honolulu.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1. All persons who, between the 4th day of January, 1909, and the 15th day of March, 1909, inclusive, have been employed by the City and County of Honolulu through its Board of Supervisors or by any committee or agent of said Board authorized by said Board to make such employment, or by the Mayor of said City and County or by any person authorized by him to make such employment, shall be paid the various wages and salaries promised to such persons so employed for the time for which they were employed as aforesaid, not, however, to extend beyond said 15th day of March, 1909, and the Auditor of the City and County of Honolulu is authorized to issue warrants on the Treasurer of the City and County of Honolulu in favor of such persons as soon as their claims and demands have been examined and allowed and ordered paid by said Board and approved by the Mayor.

Section 2. When any warrant referred to in section 1 hereof is presented to the Treasurer of the City and County of Honolulu, if there is money in the Treasury for that purpose, he shall pay the same and write or stamp on the face thereof the word "paid," the date of payment, and sign his name thereto.

Section 3. This Act shall take effect from and after the date of its approval.

Senator Palmer Woods moved that the minority report be laid on the table to be considered with the bill; and that was the temporary disposition made of the matter.

Pass Third Reading.

House Bill No. 69, relating to the bonds of public officers, passed third reading on the motion of Fairchild, receiving a unanimous vote.

Then House Bill No. 98 came up on the order of the day, and Coelbo moved that it be considered section by section. The first section was read by Clerk Savidge, and Senator McCarthy moved to amend it to conform to the provisions of the Makekau amendment.

"The City and County Act gives the Mayor the right of approval," declared McCarthy. "We should decide this question aside from any consideration of politics and there should be no favoritism. The Mayor's appointees should receive the same consideration as any others. The amendment has been carefully drawn with that object in view."

Senator Chillingworth then asked that consideration of the bill and the amendment submitted by Makekau be deferred until two o'clock, and that the clerk be instructed to furnish each member of the Senate a typewritten copy of the amendment. Chillingworth declared that he wanted to know the ground before deciding the merits of the case. McCarthy then withdrew his motion and seconded that of Chillingworth, and the postponement until two o'clock was indorsed on unanimous vote.

Senator Fairchild asked for information. He said that the Senate should know the exact amount of money due—how much to Republicans and how much to Democrats.

Senator McCarthy said that was a matter for the consideration of the Supervisors—all that the Legislature was called upon to do was to pass the enabling act and leave the rest to the judicial consideration of the City Fathers.

Fairchild was apparently satisfied with the explanation. The Senate then passed House Bill No. 70 on second reading and adjourned to 2 o'clock.

Mayor in Senate.

There was a gathering of the clans in the Senate chamber before the afternoon session convened. Mayor Fern and E. M. Watson, the Democratic leader, appeared and discussed the merits and demerits of the all important measure bearing the official title of House Bill No. 98. When the House was called to order President of the Senate Smith escorted Mayor Fern to a chair beside that of the presiding officer where the Mayor was an interested spectator of the proceedings in connection with House Bill No. 98.

When the Senate was called to order Senators Fairchild and Chillingworth were absent and the Supervisors' enabling act was laid aside for a few minutes. A communication from the House was received, stating that the Senate amendment to House Bill No. 20 had not been concurred in and naming Representatives Sheldon, Douthitt and Furtado as members of a conference committee. Senators Knudsen, Chillingworth and Makekau will be the members of the upper house on the committee.

Notification was received from the House that the Senate amendments to House Bill No. 37 had been concurred in.

House Bill No. 87, relating to education, was received in the Senate and passed first reading by title. House Bill No. 92 was disposed of in similar fashion.

Senator Knudsen, chairman of the Judiciary Committee, stated that there was apparently an error in the House Concurrent Resolution No. 14 and that the Judiciary Committee's perusal showed that it concerned the House solely. He suggested that it be returned to the clerk of the House, which was done.

Adopt Amendments.

Senator Fairchild was in his seat but Senator Chillingworth had not yet arrived when President Smith called on Clerk Savidge to read the first section of House Bill No. 98.

McCarthy promptly moved to adopt the first section of Makekau's minority report. Coelbo offered an amendment to Section No. 1 of Makekau's amendment, the Coelbo addition being as follows:

"And all warrants heretofore issued by the Auditor to persons who had been actually employed by said board are hereby confirmed, validated, legalized and approved as if said warrants were issued after the taking effect of this act."

The Coelbo amendment was seconded by McCarthy who then moved that Section No. 1 of Makekau's amendment pass. Section 2 passed on Chillingworth's motion, Section 3 on Coelbo's motion, and the preamble on the motion of McCarthy.

Coelbo then moved that the bill pass its second reading and it went through. The Senate then adjourned apparently well pleased with its work.

VERDICT FOR LAWYERS
IN SUIT FOR FEES

A jury in Judge Lindsay's department of the Circuit Court yesterday returned a verdict for Alex. Robertson and Thompson and Clemons in a suit brought by Robertson against Frank Godfrey as trustee of the estate of Thomas Metcalf. The full amount asked for by the plaintiff was awarded by the jury—\$1300 for Robertson and \$950 for Thompson and Clemons, with interest from August 31, 1907.

The suit was brought for professional services rendered to the estate in a suit of ejectment which was carried to the Supreme Court. Godfrey acknowledged owing a portion of the amount asked for as attorney's fees. His attorney, Frederick Milverton, maintained that the claim against Godfrey was excessive, but in his instructions to the jury, Judge Lindsay said to disregard that side of the case and that the point at issue was as to the nature of the agreement between Godfrey and the lawyers in regard to the sum they were to receive as fees.

See Barnhardt about delivering ice to you at twenty-five cents a hundred pounds, and good ice, too.

HOUSE

(Continued from Page One.)

Kapiolani Home Needs Help.

The Health Committee, in reporting favorably on Corra's resolution to appropriate an amount to erect adequate buildings for the Kapiolani Girls' Home, recommended an appropriation of at least \$20,000 for the purpose, saying:

"Your committee has taken particular interest in this matter, having made a personal inspection of the Home for Girls. It has found the buildings in a very dilapidated condition and beyond the stage of repair. The Sisters there are doing a good deal of charitable work and even more than should be expected of them. We think the government should provide, anyhow, weather-proof buildings, and so recommend."

Salvation Army Worthy.

The same committee favored Huddell's resolution to appropriate \$6000 to aid the maintenance of the Salvation Army Home, stating:

"Your committee feels that this institution, being somewhat of a public nature, should receive some amount of government aid. These people are doing an immense amount of good to all nationalities alike. It therefore recommends that this resolution be laid on the table to be favorably considered when the appropriation bill is under discussion."

The same committee reported favorably on Kaleiopi's bill repealing Sections 1057 and 1060 of the law respecting the manufacture of poi.

Waterworks Improvements.

A resolution to appropriate \$343,093, from the loan fund, to carry out the scheme of Marston Campbell for the improvement of the Honolulu waterworks system, was presented. The resolution covers all the improvements desired and takes the place of several resolutions already in dealing with various parts of the whole scheme.

The resolution provides for new pipelines, repairs to old pipelines, electric power station at Nuanu, installation of high-lift pump at Beretania pumping station, boring three additional wells, constructing new Kaimuki reservoir, concrete cover for Makiki reservoir, new discharge main for Kaimuki reservoir and labor and material in connection with all the above.

The matter was laid on the table to be taken up with the appropriation bill.

Wow! Wow!

Ruel Kinney, having lost his chance to legislate against the habit of selling fish openly in the fishmarket, has turned his attention to boosting salaries. This is the list of pay he would give to the Honolulu officials, as included in a bill presented:

Mayor, \$250 a month; Supervisors, each \$75 a month; Sheriff, \$200 a month; City Clerk, \$175 a month; Auditor, \$175 a month; City Attorney, \$250 a month; Treasurer, \$175 a month; Deputy Sheriff, Honolulu, \$150 a month; Deputy Sheriff, Ewa, \$125 a month; Deputy Sheriff, Waianae, \$75 a month; Deputy Sheriff, Waiialua, \$100 a month; Deputy Sheriff, Koolauloa, \$75 a month; Deputy Sheriff, Koolau-poko, \$75 a month.

Resolutions.

Shingle, by resolution, asked for \$10,000 for the construction and completion of the Palolo belt road.

Hibio, by resolution, asked for \$500 for the expenses of the Lahaina waterworks.

Kawewehi requested an appropriation of \$1000 to buy water pipes for the village of Waiohinu, Kauai.

Sheldon asked for \$5000 to lay water pipes to Kekaha, Waimea.

Pound Law Amendment.

Kawewehi presented a bill to allow a fee of fifty cents a head to persons impounding cattle at large on the public roads, in addition to the usual impounding fees.

Third Readings.

Five bills were on the order of the day for third reading yesterday, these being Senate Bills 33 and 52 and House Bills 87, 92 and 112.

Senate Bill 33, Knudsen, providing for substitute Justices of the Supreme Court, without debate or opposition was deferred.

Senate Bill 52, introduced by the Judiciary Committee, is a bill to prevent snap verdicts in divorce proceedings by providing for a lapse of at least thirty days between the institution of proceedings and the hearing of the case. This is a substitute bill for the much more stringent one introduced into the House by Castro. The vote on this bill was also deferred.

House Bill 87, provides that the abduction of a female child under twelve years of age is to be considered as done by force and against the consent of the child. Sheldon moved the third reading and the vote was: Ayes, 29; noes, 1.

House Bill 92, Castro, provides for a penalty upon conviction as procurer or male person participating in the gains from prostitution. The bill passed on a unanimous vote.

House Bill 112, Kealawa, makes February 12 of each year a public holiday. This bill was deferred.

First Failure to Concur.

On consideration of the Senate amendment to House Bill 20, Sheldon moved to not concur. This bill is the one empowering a circuit judge to assign counsel under fee from the government to any defendant in any felony case, the fee to be discretionary with the court. The Senate hedged the fee matter by providing that it be paid only in cases of "special hardship."

Sheldon objected most to the way the Senate struck out the clause putting an attorney into contempt for refusing to accept assignment to a case and for not doing his best, the clause that Chillingworth, in the Senate, said was a slur on every attorney in the Territory.

Rice explained that the "special hardship" meant that if the bill passed there would be a special hardship on the Territory.

On the motion by Sheldon for the appointment of a conference committee, the Speaker named Sheldon, Douthitt and Furtado.

Second Readings.

Furtado's Whisky Bill, House Bill

113, was referred on second reading to the Finance Committee.

House Bill 104, Kaniho, went to Finance Committee. This bill provides that—

"Sixty per cent. of the total amount of poll and school taxes and taxes on property and incomes and of the license fees paid for licenses obtained to operate in each county or city and county shall be paid by the Treasurer of the Territory of Hawaii to the treasurer of each county or city and county as the case may be; and for the purposes of the division and payment hereby provided for the amount of taxes on income of corporations collected in a county other than that wherein the principal property of such corporation is situated shall be regarded as having been collected in the county in which its property is so situated."

Water and Sewer Rates.

House Bills 110 and 111, Coney, relating to the payment of water and sewer rates, went to the Public Lands and Internal Improvement Committee.

The first bill deals with sewer rates, the main clause being:

"If a sewer rate shall remain unpaid for fifteen days after it is due, a penalty of 10 per cent. in addition to the regular rate shall be charged, which penalty shall become a part of such sewer rate and shall be collected as a part thereof, and every sewer rate remaining unpaid thirty days after it shall become due, together with the penalty thereon, shall bear interest at the rate of 10 per cent. per annum until paid. Every such sewer rate, or charge, together with the penalty and interest thereon, shall be a lien upon the property connected with said sewer, which said lien shall attach as of the date when said sewer rate or charge is due and payable, and shall continue until such sewer rate, penalty and interest thereon shall be paid. Such liens may be enforced and foreclosed upon the petition of the Superintendent of Public Works to the circuit judge at chambers in the First Judicial Circuit. The rates and charges shall be payable by the owners and occupants of the premises in respect to which the services are rendered, who shall be jointly and severally liable therefor."

Must Pay in Advance.

The water bill gives the Superintendent of Public Works much more power to collect water rates than he has at present. It also makes payment in advance necessary. The principal features of the bill are:

"Applications for a permanent supply of water from any government system or source of supply shall be in writing, signed by the owner of the property to be connected with the water system. Such application shall be upon a printed form to be supplied by the Superintendent of Public Works, and shall contain a statement of the terms and conditions upon which water may be used. If permission shall be granted, the applicant shall be furnished with a duplicate of the form of application, and shall be entitled to a water privilege as specified in such application. Water rates shall be payable half yearly in advance on the first day of January and the first day of July each year at the office of the waterworks."

"If such rate shall remain unpaid for fifteen days after it is due, the superintendent may forthwith without notice shut off the water from such property, charging the expense for so doing to the owner of the property, and a penalty of 10 per cent. in addition to the regular rate shall be charged, which penalty shall become a part of such water rate and shall be collected as a part thereof; and every water rate remaining unpaid thirty days after it shall become due, together with the penalty thereon, shall bear legal interest thereafter until paid. Every water rate shall be a prior lien upon the property connected with the water system, which lien shall attach to said property as of the date when said water rate is due and payable, and shall continue until such water rate, penalty and interest thereon to date shall be paid. Said liens may be enforced and foreclosed upon a petition of the Superintendent of Public Works to the circuit judge at chambers in the First Judicial Circuit."

AFTERNOON SESSION.

The Lincoln Day Holiday Bill was the first matter to be taken up after recess. Rice objected to the form of the bill and suggested recommitting to the Military Committee.

Afonso objected to this as a mere pretext for time and moved the bill pass third reading. His committee was ready to do its duty, but considered that it already had.

An Irish Amendment.

Like moved an amendment that the seventeenth day of March be also declared an annual public holiday. Every one thought this was in honor of St. Patrick, but in explaining his amendment, Like said it was to honor the memory of a great Hawaiian statesman, Kauekoul, Kamehameha III, one of the greatest kings and statesmen of Hawaii.

Rice still objected to the form of the bill, even after Afonso had added his tribute to the memory of Kauekoul.

Like's amendment was put by the Speaker, who frowned upon the scarcely disguised levity of the House. The motion by Rice to recommit also carried.

Senate Bill 33 was again deferred.

Bills and Resolutions.

Castro introduced a bill to repeal section 141A of Chapter 102, Revised Laws, relating to licenses.

Furtado presented a resolution to appropriate money to pay the government physicians at Hamakua \$50 per month, and the government physician at South Kohala \$100 per month.

Municipal Act Amendments.

Douthitt introduced a bill to amend the Municipal Act, the bill drafted after a joint conference of the Central Territorial and County Republican Committees. The bill is not radical, nor does it deprive the Mayor of all the rights granted him in the present law, although it limits these powers and more clearly defines them. It gives to the Board the right to employ subordinates in the various departments, leaving to the Mayor the right to name the

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High and Low

ALL JAPANESE

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of the House is in enlarging county government. That's what I want to know," explained Rice.

Nawahine took the other end, however, Afonso helping him, the latter wanting to do two things at once, turn over the jails, etc., and provide for them as well. He also wanted a deep Oahu plot in the bills to get the best of the outside islands. He wanted to know where the millions borrowed on bonds had gone, at the same time pointing to the points of the Oahu compass to answer his own question.

There was much talking on this point without much light being shed. Kaleiopi switched the cut by asking why the Sheriff of Honolulu should appoint the jailer here. Rice told him.

Kaniho found a flaw in his bill, the translation of the word "almshouse" bothering him. This was smoothed out.

Douthitt argued about the construction of the bills and declared in favor of largely increasing the powers of the counties and favored finding out before the appropriation bills came up what the counties were willing to assume. All the money came out of one sack anyway.

After further discussion it was decided to recommend passage of the bills on second reading, the committee rising and reporting.

The House took a recess at 3:45 for the day.

"I want to know what the sense